

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

In Re:

CHICAGOLAND GUNS & RANGE, LLC

Debtor-in-Possession.

Chapter 11, Subchapter V

Docket: 23-81055

Honorable Thomas M. Lynch

**NOTICE OF OBJECTION TO MOTION TO UNITED STATES TRUSTEE'S MOTION
TO CONVERT OR DISMISS PURSUANT TO 11 U.S.C. § 1112(b)**

NOW COMES CHICAGOLAND GUNS & RANGE, LLC, by and through their counsel at The Law Office of Andrew J. Mertzenich, A Limited Liability Company, who respectfully object to the United States Trustee's Motion to Convert or Dismiss and, in support thereof, states as follows:

Introduction

The Bankruptcy Trustee has filed a Motion to Convert or Dismiss the debtors case, citing the debtors failure to pay administrative claims in a timely manner and the lack of legal representation. However, the debtor respectfully opposes this motion and requests that the Court deny the Trustees motion for the following reasons:

Argument

1. The Debtors Right to Modify the Plan

Under bankruptcy law, a debtor has the right to seek modification of a confirmed plan at any time between the confirmation of the plan and the completion of payments under the plan. Specifically, the debtor may modify the plan to adjust the amount of payments on claims of a particular class, such as administrative claims, to accommodate their financial situation. This

right is absolute and applies even if the debtor has experienced financial hardship that has delayed payments.

In this case, the debtor's plan has not been consummated, and the debtor seeks to modify the plan to address their financial difficulties. The debtors intent to modify the plan demonstrates a good-faith effort to comply with the requirements of the Bankruptcy Code and to resolve the issues raised by the Trustee. Therefore, dismissal or conversion of the case is unwarranted at this stage.

2. The Debtors Lack of Counsel is Being Remedied

The Trustee's motion also cites the debtors lack of legal representation as a basis for dismissal or conversion. However, this issue is moot, as this law office will be entering its appearance as counsel for the debtor. The debtors retention of counsel ensures that the debtor will have the necessary legal guidance to address the Trustees concerns and to proceed with the modification of the plan. The Bankruptcy Code does not mandate dismissal or conversion solely due to a temporary lack of counsel, particularly when the debtor is actively remedying the situation.

3. Dismissal or Conversion is Not Warranted Under the Bankruptcy Code

The Bankruptcy Code allows for dismissal or conversion to a Chapter 7 case for cause, which may include unreasonable delay that is prejudicial to creditors or failure to comply with certain statutory requirements. However, such actions are discretionary and must be supported by evidence that the debtors conduct constitutes an abuse of the bankruptcy process.

In this case, the debtor's failure to pay administrative claims in a timely manner is not indicative of bad faith or abuse but rather a reflection of the debtor's financial hardship. The debtors intent to modify the plan further demonstrates their commitment to fulfilling their obligations under the Bankruptcy Code. Additionally, the debtor's retention of counsel ensures that any procedural deficiencies will be promptly addressed. As such, the Trustee has not demonstrated sufficient cause to justify dismissal or conversion of the case.

Conclusion

For the foregoing reasons, the debtor respectfully requests that the Court deny the Trustees Motion to Convert or Dismiss. The debtor is actively addressing the issues raised by the Trustee, including seeking modification of the plan and retaining legal counsel. Dismissal or conversion at this stage would be premature and contrary to the debtors rights under the Bankruptcy Code.

Respectfully Submitted,

Andrew J. Mertzenich

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CERTIFICATE OF SERVICE

I, Andrew J. Mertzenich, attorney for Debtor, declare under penalty of perjury under the laws of the United States of America, that: on March 25, 2025, a copy of the Debtor's attached Notice of Objection To Motion To United States Trustee's Motion To Convert Or Dismiss Pursuant To 11 U.S.C. § 1112(B) were served electronically from the Clerk of the United States Bankruptcy Court for the Northern District of Illinois via the Court's ECF system on the Subchapter V Trustee and parties receiving electronic notice in this case; and on the same date I emailed a copy of the same documentation to:

Jennifer K. Niemeier
Attorney for the United States Trustee
Jennifer.Niemeier@usdoj.gov

Signed,

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